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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/590,411 | 08/23/2006 | Ronald Bradley DeMattos | X16324 | 5484 |

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| EXAMINER | |
|---|---|
| AFREMOVA, VERA | |
| ART UNIT | PAPER NUMBER |
| 1657 | |

| NOTIFICATION DATE | DELIVERY MODE |
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| 01/14/2010 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@lilly.com

**Attachment to Advisory Action**

No proposed claim amendment has been filed after final rejection.

Applicants' arguments filed 12/07/2009 n fully considered but not found persuasive because they are mostly directed to the same issues discussed in the last office action.

Applicants appear to argue that the prior art US 7,195,761 (Holtzman et al) is silent or it does not recognize the problem such as abeta peptide contamination of recombinantly-produced anti-abeta antibody materials. Thus, accordingly to applicants, there would be no reason for one of skill in the art to look for the problem solution. However, abeta peptide does bind to anti-abeta antibody and one of skill in the art would clearly be aware of this fact and, thereby, recognizes the problem, if the host cell is known to naturally produce abeta peptide. US 7,195,761 (Holtzman et al) might be silent about abeta peptide contamination of recombinantly-produced anti-abeta antibody materials because it primary discloses the use of microbial cells or E.coli as particularly useful for making recombinantly-produced anti-abeta antibody materials. However, US 7,195,761 (Holtzman et al) also suggests the use of mammalian cells including HEK cell lines that naturally produce abeta peptide. The problem solution such as the use of gamma secretase for decreasing abeta peptide accumulation by mammalian cells including HEK cells is known in the prior art as adequately demonstrated by US 6,518,011 (Seiffert et al) (col.15, lines 1-10). Thus, if mammalian cells that naturally produce abeta peptide would be used for making recombinantly-produced anti-abeta antibody materials, the skilled artisan clearly would be confronted with the same problem of binding of abeta peptides to anti-abeta antibodies as inventor was and, thereby, the skilled artisan would clearly select the same solution such as

decrease of abeta peptide production by using secretase inhibitor because prior art teaches the use of secretase inhibitor for decreasing abeta peptide production by mammalian cells.

Therefore, the claimed invention as a whole was clearly *prima facie* obvious, especially in the absence of evidence to the contrary and the claims are properly rejected under 35 USC § 103.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vera Afremova whose telephone number is (571) 272-0914. The examiner can normally be reached from Monday to Friday from 9.30 am to 6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon P. Weber, can be reached at (571) 272-0925.

The fax phone number for the TC 1600 where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology center 1600, telephone number is (571) 272-1600.

Vera Afremova

January 8, 2009

/Vera Afremova/
Primary Examiner, Art Unit 1657